

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-208

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide for an abatement of real property taxation for the property owned by First Congregational United Church of Christ located on Lots 833 through 835 and 7000 through 7011, Square 375, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "First Congregational United Church of Christ Property Tax Abatement Emergency Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4626. First Congregational United Church of Christ property tax abatement."

(b) A new section 47-4626 is added to read as follows:

"§ 47-4626. First Congregational United Church of Christ property tax abatement.

"(a) The real property described as Lots 833 through 835 and 7000 through 7011, Square 375, as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future, known as the First Congregational United Church of Christ property and owned by the First Congregational United Church of Christ, a District of Columbia nonprofit corporation formed for the purpose of religious worship, shall be exempt from taxation under Chapter 8 of this title so long as the First Congregational United Church of Christ owns the real property, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption were granted administratively.

"(b) The transfer by the First Congregational United Church of Christ of Lots 834, 835, 7003, 7006, 7007, 7008, 7009, 7010, and 7011, Square 375, as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future, shall be exempt from the tax imposed by Chapter 9 of this title.

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“(c) The tax abatement pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or development assistance from any other source applicable to the First Congregational United Church of Christ.”.

Sec. 3. The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the First Congregational United Church of Christ on real property located on Lots 823 and 831 (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future), Square 375, for the period beginning February 1, 2008, be forgiven, and any payments made for this period, as of the effective date of this act, be refunded.

Sec. 4. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

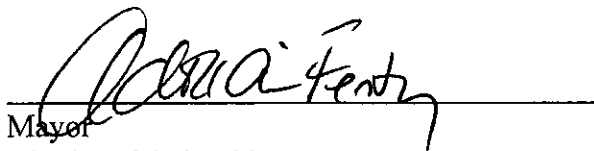
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

October 21, 2009
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-209

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that specific findings are included in the proposed resolution for land disposition, and to require that specific documents accompany the proposed resolution when transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Land Disposition Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

Note,
§ 10-801

(a) Subsection (b) is amended to read as follows:

"(b) The Mayor, to carry out the provisions of this act, shall transmit to the Council a proposed resolution that contains the following:

"(1) A finding that the real property is no longer required for public purposes;

"(2) The name and business address of the developer, and, if the developer is a joint venture or partnership, the name and business address of each person that constitutes the partnership;

"(3) A description of the real property to be disposed of;

"(4) A description of the intended use for the property ("Project");

"(5) A description of any affordable housing to be provided as part of the Project;

"(6) A finding that the Developer will enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

"(7) A finding that the Developer will enter into a First Source Agreement with

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the District that shall govern certain obligations of Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the Property;

"(8) The proposed method of disposition, which may be one of the following:

"(A) A public or private sale to the highest bidder;

"(B) A negotiated sale to a for-profit or nonprofit entity for specifically designated purposes;

"(C) A lease for a period of greater than 20 years;

"(D) A combination sale/leaseback for specifically designated purposes;

"(E) An exchange of interests in real property; or

"(F) A public or private sale to the bidder providing the most benefit to the District; and

"(9) The following statement:

"All documents that are submitted with this resolution pursuant to subsection (b-1) of this section shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to subsection (b-1)(2) of this section."

(b) Subsection (b-1) is amended to read as follows:

"(b-1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by the following:

"(1) An analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including:

"(A) The chosen method of disposition, and how competition was maximized;

"(B) The manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. The benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs; and

"(C) A description of all disposition methods considered and an accompanying narrative for the proposed disposition method that contains comparisons to the other methods and shows why the proposed method was more beneficial for the District than the others in the areas of return on investment, subsidies required, revenues paid to the District, and any other relevant category, or why it is being proposed despite it being less beneficial to the District in any of the measured categories.

"(2) An executed term sheet or Memorandum of Understanding between the District and the selected developer that shall include the following:

"(A) A description of the major business terms of the transaction;

"(B) A description of the method of disposition;

"(C) A description of the Certified Business Enterprise requirements;

"(D) A description of the green building requirements;

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"(E) A description of the schedule of performance; and

"(F) Any other terms that the Mayor finds to be in the best interest of the District.

"(3) A document reporting the value of the property prepared by an independent appraiser or assessor performed within 12 months of transmission of the proposed resolution.

"(4) For any development project where the total value of the government assistance is greater than \$10 million, a description of the project funding and financing plan.

"(5)(A) For all District land being disposed for purposes of development and requiring government assistance the following additional items shall be transmitted to the Council concurrent with the proposed resolution and analysis:

"(i) A Land Disposition Agreement between the District and the selected developer;

"(ii) Any community benefits agreement between the developer and the relevant community, if any; and

"(iii) A Certified Business Enterprise ("CBE") Agreement pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

"(B) Documents in this paragraph shall be transmitted in the most current form available at the time the resolution is transmitted.

"(C) All documents referenced in this paragraph shall be consistent with the proposed resolution for land disposition and language to that effect shall be included in those agreements prior to execution.

"(6)(A) If a substantive change is made to the term sheet or Memorandum of Understanding referenced in subsection (b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this subsection, a resolution describing the change accompanied by an amended term sheet or Memorandum of Understanding in redline format shall be transmitted to Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the term sheet, in whole or in part, by resolution within the 30-day review period, the proposed amendments shall be deemed approved.

"(B) For the purpose of this paragraph, the term:

"(i) "Redline format" means the changes that are deletions have a line through them and the changes that are additions are underlined.

"(ii) "Substantive change" means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the proposed resolution."

Sec. 3. Applicability.

This act shall apply as of October 14, 2009.

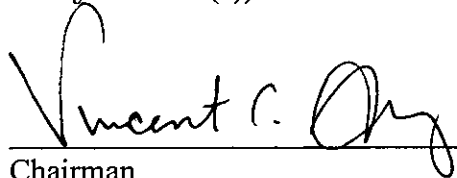
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Sec. 4. Fiscal impact statement.

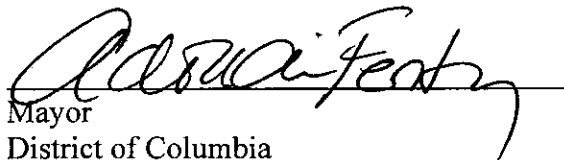
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

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AN ACT
D.C. ACT 18-210

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009.*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Hospital and Medical Services Corporation Regulatory Act of 1996 to extend the length of time allowed for the Commissioner of the Department of Insurance, Securities, and Banking to review the surplus of nonprofit hospital and health services medical corporations; and to amend the Medical Insurance Empowerment Amendment Act of 2008 to add conditions for the applicability of open enrollment provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Insurance Empowerment Surplus Review Congressional Review Emergency Amendment Act of 2009”.

Sec. 2. Section 7(e) of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3506(e)), is amended by striking the phrase “120 days” and inserting the phrase “180 days” in its place.

Note,
§ 31-3506

Sec. 3. The Medical Insurance Empowerment Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-369; 56 DCR 1346), is amended by adding a new section 2a to read as follows:

“Sec. 2a. Applicability.

“Section 2(f) shall not apply until 90 days after the Commissioner completes his surplus review as required by section 2(e) and transmits a copy of the determination to the Council. This section shall apply as of March 25, 2009.”.

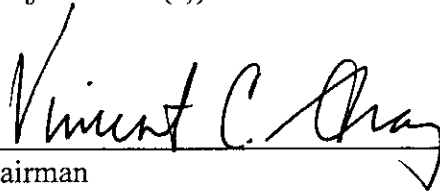
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

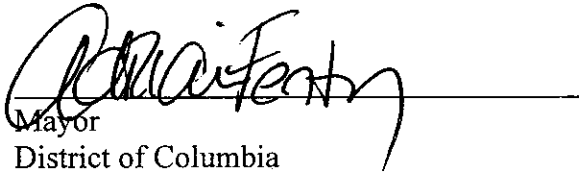
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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-211

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Unemployment Compensation Act to temporarily extend the Additional Benefits Program for claimants who have exhausted all other sources of unemployment compensation benefits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Additional Benefits Program Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 7(i) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 956; D.C. Official Code § 51-107(i)), is amended as follows:

*Note,
§ 51-107*

(a) Paragraph (1)(A) is amended to read as follows:

“(A) “Additional benefits period” means a period:

“(i) That begins after August 29, 2009; provided, that the total rate of unemployment in the District, as determined by the United States Secretary of Labor for the week proceeding August 29, 2009, meets or exceeds 6.5%; provided further, that there are no other federally funded or assisted benefit programs in effect in the District that provide benefits to claimants who have exhausted their regular benefits;

“(ii) That ends after January 16, 2010, or the first day of the week prior to January 16, 2010 in which any new federal program is in effect in the District that provides benefits to claimants who have exhausted all prior regular, extended, or federally funded benefits;

“(iii) In which no initial claim for additional benefits is accepted and no claim for additional benefits is established pursuant to this act, prior to any week commencing after August 29, 2009, or after January 16, 2010; and

“(iv) In which no claim shall be paid for any week commencing after January 16, 2010.”.

(b) The lead-in language to paragraph (2) is amended as follows:

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(1) Strike the number "5" wherever it appears in the first 2 sentences and insert the number "10" in its place.

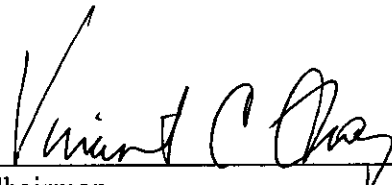
(2) Strike the fourth sentence and insert the sentence "The Additional Benefits Program shall be financed by funds drawn from the District Unemployment Fund or such other funds as may be available to the Director, and benefits paid shall not be charged to the experience rating accounts of employers." in its place.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-212

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Unemployment Compensation Act to improve the administration of the unemployment compensation program and qualify for federal modernization funding pursuant to the American Recovery and Reinvestment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Administrative Modernization Congressional Review Emergency Amendment Act of 2009".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 7(f) (D.C. Official Code § 51-107(f)) is amended to read as follows:

Note,
§ 51-107

"(f) In addition to benefits payable under the foregoing subsections of this section, each eligible individual who is unemployed in any week shall be paid with respect to such week \$15 for each dependent relative, but no more than \$50 or ½ of the individual's weekly benefit amount, whichever is less, with respect to any one week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual accounts of the employers. An individual's number of dependents shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of such benefit year. The dependent's allowance shall not be taken into consideration in calculating the total amount of benefits in subsection (d) of this section; provided, that this subsection shall not apply to claims for benefit years commencing prior to the effective date of the Unemployment Compensation Administrative Modernization Emergency Amendment Act of 2009, effective August 10, 2009 (D.C. Act 18-182; 56 DCR 6940), and shall not apply to claims for benefit years commencing after December 31, 2010."

(b) Section 10 (D.C. Official Code § 51-110) is amended by adding a new subsection (j) to read as follows:

Note,
§ 51-110

"(j)(1)(A) Notwithstanding any other provision of this act, an individual who is unemployed within the meaning of this act, who has exhausted all regular unemployment benefits provided under this act, including any extensions of benefits, and who is enrolled in,

ENROLLED ORIGINAL

and making satisfactory progress in, a District-approved training program or a job training program authorized under the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822), shall be eligible for training extension benefits if the Director determines that the following criteria have been met:

“(i) The training prepares the claimant for entry into a high-demand occupation (if the Director determines that the claimant has been separated from employment in a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant’s place of unemployment);

“(ii) The claimant is making satisfactory progress towards completing the training as determined by the Director, including the submission of written statements from the training program provider; and

“(iii) The claimant is not receiving similar stipends or other training allowances for non-training costs.

“(B)(i) For the purposes of subparagraph (A)(i) of this paragraph, the terms “declining occupation” and “high-demand occupation” shall be determined by the Director based upon currently available labor market information.

“(ii) For the purposes of subparagraph (A)(iii) of this paragraph, the term “similar stipends” means an amount provided under a program with similar goals, such as providing training to increase employability, and in similar amounts. The stipends for non-training cost allowances shall be treated as “earnings” as defined in this act.

“(2) A claimant who is not subject to the provisions of paragraph (1)(A)(i) of this subsection shall be enrolled in training and making satisfactory progress as the Director may determine will increase the employability of the claimant in the District labor market.

“(3) The weekly training extension benefit amount payable pursuant to this act shall be equal to the claimant’s weekly benefit amount for the most recent benefit year less any deductible income as determined by this act. The total amount of training extension benefits payable to a claimant shall not exceed 26 times the claimant’s weekly benefit amount of the most recent benefit year.

“(4) If the claimant completes the training program, ceases to be making satisfactory progress, or stops attending the training program, the claimant shall not be eligible for further training extension benefits unless the Director determines that the claimant has resolved the impediment.

“(5) A claimant seeking training extension benefits may apply for the benefits at any time prior to the end of the claimant’s initial benefit year or the end of any period of extended benefits.

“(6) No training extension benefits paid pursuant to this act shall be charged to individual employer accounts.”.

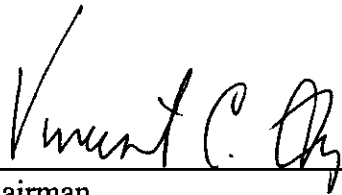
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Sec. 3. Fiscal impact statement.

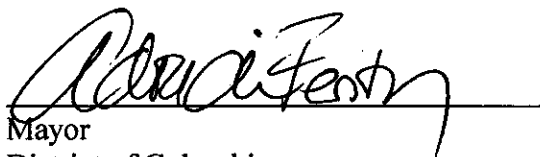
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-213

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, Chapter 38 of Title 47 of the District of Columbia Official Code to provide for real property tax rebates for supermarkets that would qualify for the existing real property tax exemption but for the inability of the landlord to pass the tax abatement onto the supermarket.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Supermarket Tax Relief Clarification Emergency Act of 2009".

Sec. 2. Chapter 38 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-3805. Supermarket real property tax rebate."

(b) A new section 47-3805 is added to read as follows:

"§ 47-3805. Supermarket real property tax rebate.

"(a) For the purposes of this section, the term "qualified supermarket" means a qualified supermarket, as defined in § 47-3801, for which all of the requirements for the real property tax exemption provided by § 47-1002(23), other than § 47-1002(23)(B)(iii), are satisfied.

"(b) Beginning October 1, 2007, if a qualified supermarket leases real property (or a portion thereof) that is subject to tax under Chapter 8 of Title 47, the qualified supermarket shall receive a rebate of the tax that represents the qualified supermarket's pro rata share of the tax levied for the tax year on the real property (or portion thereof) that the qualified supermarket leases if:

"(1) The qualified supermarket is liable under the lease for its pro rata share of the tax;

"(2) An application for the rebate of the tax is made on or before December 31 of the succeeding tax year; and

ENROLLED ORIGINAL

"(3) The lessor paid the tax.

"(c) The rebate shall be the amount of the pro rata share of the tax paid by the qualified supermarket as required by the lease.

"(d) The application shall include:

"(1) A copy of the lease; and

"(2) Documentation that the tax has been paid, as required by the Mayor.

"(e) If a proper application has been made, the Mayor shall rebate the tax to the qualified supermarket on or before March 1 of the succeeding tax year.

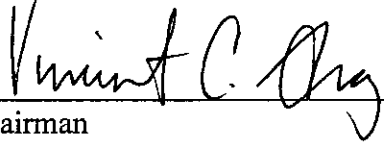
"(f) Any rebates authorized under this section shall be paid from the General Fund of the District of Columbia."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-214IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, section 7241 of the Fiscal Year 2010 Second Emergency Budget Support Act of 2009 to delay implementation of changes to the tobacco excise tax provisions and to provide transitional provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tobacco Excise Tax Emergency Amendment Act of 2009".

Sec. 2. Section 7241 of the Fiscal Year 2010 Budget Support Second Emergency Act of 2009, passed on emergency basis on September 22, 2009 (Enrolled version of Bill 18-443), is amended as follows:

(a) Subsection (i) is amended by adding a new paragraph (5) to read as follows:

"(5) This subsection shall apply to tax periods beginning after December 31, 2009."

(b) A new subsection (j) is added to read as follows:

"(j) Chapter 24 of Title 47 of the District of Columbia Official Code is amended as follows:

"(1) The table of contents is amended by adding a new section designation to read as follows:

"47-2402.01. Other tobacco excise tax."

"(2) Section 47-2401 is amended as follows:

"(A) Paragraph (1) is amended to read as follows:

"(1) The term "cigar" means any roll for smoking, other than a cigarette, made wholly or in part of tobacco and where the wrapper or cover of the roll is made of natural leaf tobacco or any substance containing tobacco."

"(B) A new paragraph (1A) is added to read as follows:

"(1A) The term "cigarette" means:

"(A) Any roll for smoking containing tobacco wrapped in paper or in any substance other than tobacco leaf;

"(B) Any roll for smoking containing tobacco, wrapped in any

ENROLLED ORIGINAL

substance, weighing 3½ pounds per thousand or less, except those wrapped entirely in whole tobacco leaf that do not have a filter; and

“(C) Any roll for smoking containing tobacco wrapped in any substance, however labeled or named, which because of its appearance, size, the type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, purchased by, or consumed by consumers as a cigarette as described in this paragraph.”.

“(C) A new paragraph (3A-i) is added to read as follows:

“(3A-i) The term “little cigar” means any cigar, other than a premium cigar, that weighs not more than 4 ½ pounds per thousand.”.

“(D) A new paragraph (4A) is added to read as follows:

“(4A) The term “moist snuff” means any finely cut, ground, or powdered tobacco that is not intended to be smoked. The term “moist snuff” shall not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.”.

“(3) Section 47-2402(a) is amended by striking the phrase “\$.10” and inserting the phrase “\$.125” in its place.

Note,
§ 47-2402

“(4) A new section 47-2402.01 is added to read as follows:

“§ 47-2402.01. Other tobacco excise tax.

“(a) A tax is imposed on the sale or possession of little cigars at the same rate per little cigar as is levied per cigarette under § 47-2402.

“(b) A tax is imposed on the sale or possession of moist snuff at the rate of \$.30 per ounce and a proportionate tax at the same rate on all fractional parts of an ounce.

“(c) On or before the 21st day of each calendar quarter, every person upon whom the weight-based excise tax is imposed under the provisions of this chapter during the preceding calendar quarter shall file a return with the Mayor. The return shall provide:

“(1) The total amount of product subject to tax for the quarter for which the return is filed;

“(2) The amount of tax for which the person is liable; and

“(3) Any other information as the Mayor considers necessary for the computation and collection of the tax.

“(d) The Mayor may permit or require the return to be made for other periods and upon other dates as he may specify.

“(e) The form of return shall be prescribed by the Mayor and shall contain such information as the Mayor may consider necessary for the proper administration of this chapter.

“(f) All funds generated pursuant to this section shall be deposited in the Community Health Care Financing Fund, established by § 7-1931(a)).”.

“(5) This subsection shall apply for the period October 1, 2009 through December 31, 2009.”.

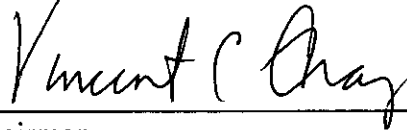
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Sec. 4. Fiscal impact statement.

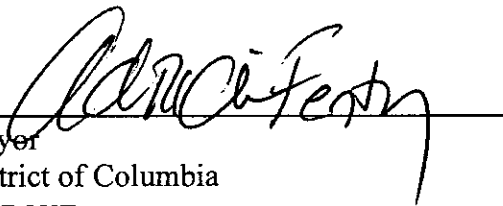
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

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AN ACT
D.C. ACT 18-215IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 21, 2009

To authorize, on a temporary basis, the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2010 Tax Revenue Anticipation Notes Temporary Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2010, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.

(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 7.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Chief Financial Officer pursuant to section 424d of the Home Rule Act, as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2010, it may be necessary for the District to borrow to a sum not to exceed \$500 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$500 million is in the public interest.

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Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$500 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2010.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2010 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2010.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books

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of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this act. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax

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preference for purposes of the federal alternative minimum tax, and the exemption from the District income taxation of the interest on the notes (except estate, inheritance, and gift taxes).

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Chief Financial Officer shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2010, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2010 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and shall be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with

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the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2010, until September 30, 2010, then beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2010, through September 30, 2010, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2010, through September 30, 2010, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2010, the Chief Financial Officer shall review the current monthly cash flow projections of the District and, if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or

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exceeds 100% of the aggregate amount of principal of, and interest on, the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2010, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2010, subject to section 451 of the Home Rule Act, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or

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other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be

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established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to notes and Additional Notes issued pursuant to sections 471, 472, 475, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2010, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts, and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act, the provisions of section 7 shall apply to both the notes and such Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

- (1) The stated maturity date of all outstanding notes and Additional Notes; or
- (2) The date an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

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(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Chief Financial Officer, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set-aside and deposit would be required, there shall be excluded from receipts estimated by the Chief Financial Officer to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Chief Financial Officer shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Chief Financial Officer also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes authorized by this act. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this act.

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Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 15. Information reporting.

(a) Within 3 days after the Chief Financial Officer's receipt of the transcript of proceedings relating to the issuance of the notes, the Chief Financial Officer shall transmit a copy of the transcript to the Secretary to the Council.

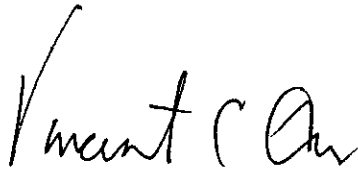
(b) The Chief Financial Officer shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

This act shall take effect upon enactment as provided in section 472(d)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 806; D.C. Official Code § 1-204.72(d)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Traffic Act, 1925 to allow a personal mobility device operated by a person with a disability to be used on the sidewalks within the Central Business District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009".

Sec. 2. Section 9a(4) of the District of Columbia Traffic Act, 1925, effective March 25, 2003 (D.C. Law 14-235; D.C. Official Code § 50-2201.04a), is amended by striking the phrase "9901);" and inserting the phrase "9901), unless operated by a person with a disability;" in its place.

*Note,
§ 50-2201.04a*

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

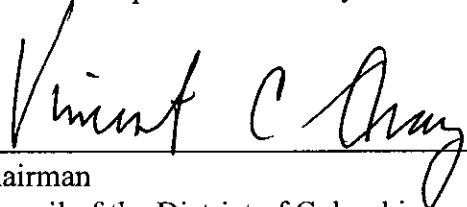
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

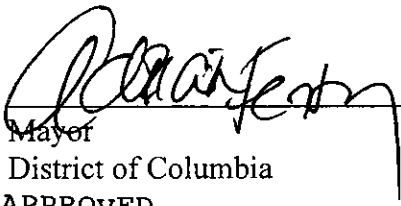
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-217IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 24, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Nonprofit Corporation Act to provide that if a nonprofit corporation whose articles of incorporation have been revoked has been reinstated, contracts or leases entered into by the nonprofit corporation and the District government during the period of revocation shall be ratified.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009".

Sec. 2. Section 90 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300; D.C. Official Code § 29-301.90), is amended by adding a new subsection (b-1) to read as follows:

Note,
§ 29-301.90

"(b-1)(1) If the corporation is reinstated pursuant to subsection (a) or (b) of this subsection, any contract or lease entered into by the corporation and the District government during the period of revocation shall be ratified and have the same force and effect as if the proclamation of revocation had not been issued.

"(2) This subsection shall apply as of January 1, 2006."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

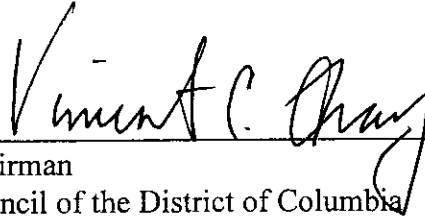
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
October 21, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Public Postsecondary Education Reorganization Act to change the quorum requirement for the University of the District of Columbia Board of Trustees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009".

Sec. 2. Section 401 of the District of Columbia Public Postsecondary Education Reorganization Act, effective October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1204.01), is amended by striking the phrase "A total of 8 of the voting members of the Board of Trustees shall constitute a quorum for the transaction of business" and inserting the phrase "A majority of the voting members of the Board of Trustees shall constitute a quorum for the transaction of business" in its place.

*Note,
§ 38-1204.01*

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

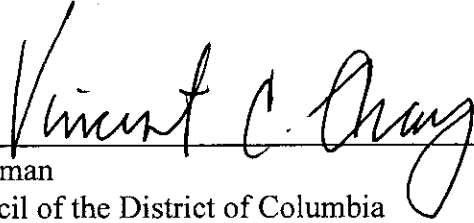
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
October 21, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-219*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
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Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2009

To amend, on a temporary basis, the District of Columbia Public Postsecondary Education Reorganization Act to grant the Board of Trustees of the University of the District of Columbia independent procurement authority; and to amend the District of Columbia Procurement Practices Act of 1985 to exempt the Board of Trustees of the University of the District of Columbia from the requirements of the District of Columbia Procurement Practices Act of 1985 except for the requirements pertaining to contract protests, appeals, and claims.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009".

Sec. 2. The District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-1202.01 *et seq.*), is amended as follows:

(a) Section 201(a) (D.C. Official Code § 38-1202.01(a)) is amended by striking the phrase "the University; provided, however, that contracting for the purchase or disposal of goods and services shall be carried out by the Office of Contracting and Procurement on behalf of the Board of Trustees." and inserting the phrase "the University." in its place.

*Note,
§ 38-1202.01*

(b) Section 206 (D.C. Official Code § 38-1202.06) is amended as follows:

*Note,
§ 38-1202.06*

(1) Paragraph (15) is amended by striking the word "and" at the end.

(2) Paragraph (16) is amended to read as follows:

"(16) Generally determine, control, supervise, manage, and govern all affairs of the University of the District of Columbia and, pursuant to paragraph (19) of this section, adopt policies and regulations considered necessary for efficient governance;"

(3) Paragraph (17) is repealed.

(4) Paragraph (18) is amended by striking the period and inserting the phrase "and" in its place.

ENROLLED ORIGINAL

(5) A new paragraph (19) is added to read as follows:

“(19)(A) Procure all goods and services necessary to operate the University independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*) (“Act”), except as specified in section 320 of the Act; provided, that the Council has approved proposed rules governing the procurement of goods and services.

“(B) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day review period, the proposed rules shall be deemed disapproved.”.

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (v) to read as follows:

Note,
§ 2-303.20

“(v) Nothing in this act shall affect the authority of the Board of Trustees of the University of the District of Columbia; except, that Title IX shall apply to contract protests, appeals, and claims arising from procurements of the University of the District of Columbia Board of Trustees.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c) (3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

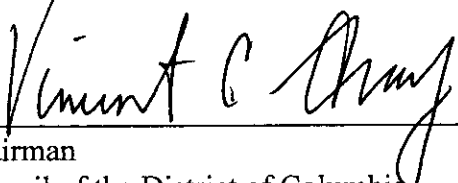
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
October 21, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To prohibit, on a temporary basis, the Mayor and other District officials from approving permits and plans that include private fire hydrants unless information is provided stating who is responsible for the repair, maintenance, and replacement of the hydrants and the information is recorded with the Recorder of Deeds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Private Fire Hydrant Responsibility Temporary Act of 2009".

Sec. 2. Private fire hydrants.

As of October 1, 2009, the Mayor and any other District official is prohibited from approving any permit or related plan that authorizes the installation of a private fire hydrant without an agreement, to be recorded in the land records of the Recorder of Deeds, establishing the person or entity responsible for the maintenance, repair, and replacement of the private fire hydrant in perpetuity.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

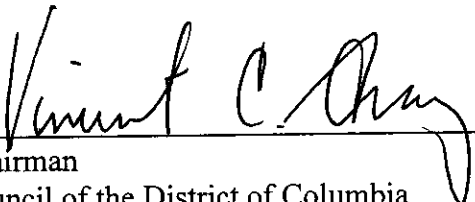
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

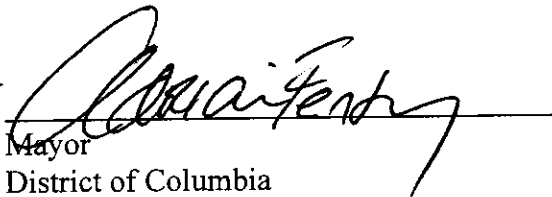
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-221

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend the District of Columbia Public Assistance Act of 1982 to eliminate the requirements that result in children being deprived of benefits in one-parent Temporary Assistance for Needy Families households because of the death or continued absence of the second parent and children in 2-parent households because of the incapacity or unemployment of one of the parents, to eliminate conditions on 2-parent households except that the primary wage-earner must be referred for job search or other work activities, to eliminate the mandatory exclusion of the step-parent from the assistance unit, to allow households to choose to include a step-parent in the household, to require that the children of a step-parent be included, if the household chooses to include the step-parent, and to eliminate the requirement that the assistance unit include all dependent children living in the same household who are related by blood, half-blood, or legal adoption to any other member of the assistance unit by a relationship that would qualify an adult as a caretaker relative of that other member of the assistance unit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Amendment Act of 2009".

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-201.01) is amended as follows:

Amend
§ 4-201.01

(1) Paragraph (1D) is repealed.

(2) Paragraph (5C) is amended by striking the phrase "on the basis of the unemployment of that parent".

(b) Section 515 (D.C. Official Code § 4-205.15) is amended as follows:

Amend
§ 4-205.15

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "shall not" and inserting the phrase "may, at the parent's request, choose not to" in its place.

(B) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) The step-parent of a dependent child, if there is a parent of the dependent

ENROLLED ORIGINAL

child in the home who chooses to be included in the dependent child's assistance unit; and

"(1B) Any dependent child of a step-parent who is included in a dependent step-child's assistance unit;"

(C) Paragraph (3) is repealed.

(2) Subsection (e) is amended as follows:

(A) Paragraph (4) is amended by adding the word "and" at the end.

(B) Paragraph (5) is amended by striking the phrase "income; and" and inserting the phrase "income." in its place.

(C) Paragraph (6) is repealed.

(c) Section 518 (D.C. Official Code § 4-205.18) is amended as follows:

Amend
§ 4-205.18

(1) Subsection (a) is amended to read as follows:

"(a) A needy child is eligible for TANF."

(2) Subsection (b) is repealed.

(d) Section 521(a) and (b) (D.C. Official Code § 4-205.21(a) and (b)) is repealed.

Amend
§ 4-205.21

(e) Section 522 (D.C. Official Code § 4-205.22) is amended as follows:

Amend
§ 4-205.22

(1) Subsection (b)(2) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

"(A) The first \$90 of the total of the deemed parent's earned income for the month;"

(B) Subparagraph (B) is amended by adding the word "and" at the end.

(C) Subparagraph (C) is repealed.

(2) Subsection (d)(2) is amended by striking the phrase "with whom the parent does not have a child in common." and inserting the phrase "who is not the parent of the dependent child, and chooses to be excluded from the dependent child's assistance unit." in its place.

Sec. 3. Fiscal impact statement.

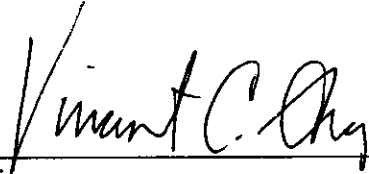
The Council adopts the fiscal impact statement in the committee report for the Public Assistance Amendment Act of 2009, passed on 1st reading on September 22, 2009 (Engrossed version of Bill 18-6), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend the District of Columbia Unemployment Compensation Act to qualify the District for federal funding of extended unemployment compensation benefits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Extended Benefits Amendment Act of 2009".

Sec. 2. Section 7(g)(1) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(g)(1)), is amended by adding new subparagraphs (K) and (L) to read as follows:

Amend
§ 51-107

"(K)(i) For weeks of unemployment commencing March 15, 2009, there is a state "on" indicator if:

"(I) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the 3 most recent months for which data for all states are published before the close of any such week equals or exceeds 6.5%; and

"(II) The average rate of total unemployment in the District (seasonally adjusted), as determined by the United States Secretary of Labor, for the 3 months referred to in sub-sub-paragraph (I) of this sub-subparagraph equals or exceeds 110% of such average rate for either of the corresponding 3-month periods ending in the 2 preceding calendar years.

"(ii) There is a state "off" indicator pursuant to this subparagraph for weeks of unemployment commencing December 6, 2009, or such other week as the Congress may specify in any subsequent amendment to section 2005 of the Assistance for Unemployed Workers and Struggling Families Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 436).

"(L)(i) For weeks of unemployment commencing March 15, 2009, there is a state high unemployment period "on" indicator if the total unemployment insurance rate as established in subparagraph (K) of this paragraph equals or exceeds 8%.

"(ii) Notwithstanding the provisions of paragraph 5(A) of this subsection, the total unemployment extended benefit amount payable to any individual pursuant

ENROLLED ORIGINAL

to this subparagraph shall be the least of the following amounts:

“(I) Eighty percent of the total amount of regular benefits (including any applicable dependents’ allowance) that were payable to the individual under this act in the individual’s applicable benefit year;

“(II) Twenty times the individual’s weekly benefit amount (including any applicable dependents allowance) which was payable to the individual under this act for a week of total unemployment in the applicable benefit year; or

“(III) Forty-six times the individual’s weekly benefit amount (including any applicable dependents allowances) for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits that were paid (or deemed paid) to the individual under this act with respect to the benefit year.

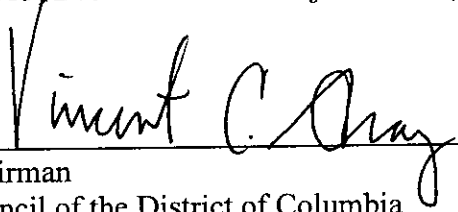
“(iii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing December 6, 2009, or such other week as the Congress may specify in any subsequent amendment to section 2005 of the Assistance for Unemployed Workers and Struggling Families Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 436).”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and publication in the District of Columbia Register.


Chairman

Council of the District of Columbia


Mayor

District of Columbia

APPROVED

October 21, 2009

Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-223IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation, and provide equitable tax relief to, certain real property of The Studio Theatre used for housing in support of the nonprofit activities of the theater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Studio Theatre Housing Property Tax Exemption and Equitable Tax Relief Act of 2009".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation 47-1082 to read as follows:

"47-1082. The Studio Theatre housing."

(b) A new section 47-1082 is added to read as follows:

"§ 47-1082. The Studio Theatre housing.

"(a) Subject to subsection (b) of this section, the following real property described shall be exempt from taxation so long as the real property is owned by The Studio Theatre, Inc., a District of Columbia nonprofit corporation, is used for housing in support of the nonprofit activities of the theater, and is not used for any commercial purposes:

"(1) Lot 208, Square 155;

"(2) Lot 0094, Square 179; and

"(3) Lots 2061, 2073, 2083, 2164, 2253, and 2300, Square 157.

"(b) The Studio Theatre, Inc. shall make the reports required by § 47-1007 and shall have appeal rights provided by § 47-1009.

"(c) Real property taxes, interest, penalties, fees, and other related charges assessed against the real properties described in subsection (a) of this section, for the period of January 1, 2005 through the effective date of this section, shall be forgiven, and any payments made for such period shall be refunded.

"(d) The tax imposed by § 42-1103 and § 47-903 and paid by The Studio Theatre, Inc., on the real properties described in subsection (a) of this section shall be forgiven, and any

New
§ 47-1082

ENROLLED ORIGINAL

payments made for such period shall be refunded.”.

Sec. 3. Applicability.

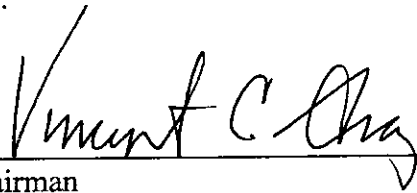
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

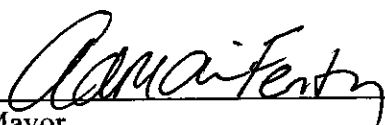
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENGROSSED ORIGINAL

AN ACT

D.C. ACT 18-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide a limited real property tax abatement to the Kelsey Gardens redevelopment project, described as Lots 67 and 68, Square 421, in the Shaw area of Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4625. Kelsey Gardens redevelopment project."

(b) A new section 47-4625 is added to read as follows:

"§ 47-4625. Kelsey Gardens redevelopment project.

"(a) The real property taxes imposed by Chapter 8 of this title with respect to the real property described as Lots 67 and 68, Square 421, in the tax records of the District of Columbia as of the effective date of this section, shall be abated in the amount in excess of the amount of the real property taxes imposed on the property as of October 1, 2009; provided, that the improvements on the real property project shall:

"(1) Contain no less than 54 units of affordable housing for residents making 60% or less of current area median income;

"(2) Contain approximately 15,000 square feet of ground-level retail space; and

"(3) Have secured a mortgage from the U.S. Department of Housing and Urban Development.

"(b) The real property tax abatement provided in subsection (a) of this section shall expire at the stated maturity date of a mortgage from the U.S. Department of Housing and Urban Development, without regard to prepayment or earlier termination; provided, that compliance with use restrictions provided in subsection (a) of this section continues following any such prepayment or earlier termination."

New
§ 47-4625

ENGROSSED ORIGINAL

Sec. 3. Applicability.

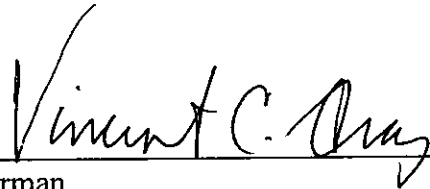
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 21, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.West Group
Publisher

To require individual and group health plans and health insurers to provide coverage for prescribed, orally administered chemotherapy medication on a basis no less favorable than coverage offered for intravenously administered or injected cancer medications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Chemotherapy Pill Coverage Act of 2009".

Sec. 2. Definitions

For the purposes of this act, the term:

(1) "Group health plan" means an employee welfare plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 829; 29 U.S.C. § 1002(1)), to the extent that the plan provides medical care and includes items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

(2) "Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and includes items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization contract offered by a health insurer.

(3) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(4) "Individual health plan" means a plan offering health insurance coverage offered to individuals other than in connection with a group health plan.

Sec. 3. Chemotherapy pill coverage.

(a) An individual health plan or group health plan, and a health insurer offering health insurance coverage that provides coverage for prescription drugs, shall provide health insurance

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coverage for prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells and the person receiving such prescribed medication shall have the option of having it dispensed at any appropriately licensed pharmacy.

(b) The health insurance coverage provided under this section shall be on a basis no less favorable than coverage provided for intravenously administered or injected cancer medications, for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayments and coinsurance factors.

Sec. 4. Applicability to group health plans.

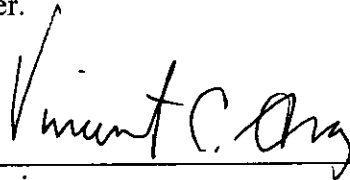
This act shall apply to group health plans for years beginning on or after the effective date of this act.

Sec. 5. Fiscal impact statement

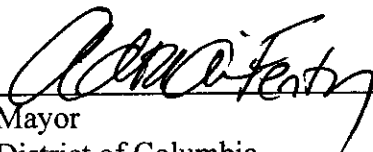
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 6. Effective date

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

October 21, 2009

Codification District of Columbia Official Code, 2001 Edition